REMARKS

Reconsideration of the present application is respectfully requested.

SUMMARY OF THE OFFICE ACTION

Claims 37, 39, 42-46 and 48-53 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0169926 of Pinckney et al. ("Pin ckney"). Claims 40 and 47 were rejected under 35 U.S.C. 103(a) as being unpatentable based on Pinckney. Claim 41 was rejected under 35 U.S.C. 103(a) as being unpatentable based on Pinckney in view of U.S. Patent No. 6,744,763 to Jones et al. (hereinafter, "Jones").

Summary of Amendments

In this response, claims 53 and 54 have been amended, and claims 74-78 have been added. No claims have been canceled. No new matter has been added.

Request for Telephone Interview

Applicants respectfully request that the Examiner contact the undersigned at (408) 720-8300 to schedule a telephone interview, in the event the Examiner does not find the present application to be allowable after considering this response.

DISCUSSION OF REJECTIONS

Claim 64 recites:

64. A streaming media network cache comprising:

a storage facility to cache streaming media data received by the streaming media network cache from a remote server **in a form that is specific to a first streaming media protocol**;

a protocol independent caching subsystem **to store** the streaming media data in the storage facility **in said form that is specific to the first streaming media protocol** and to retrieve the streaming media data from the storage facility; and

a protocol dependent caching subsystem to output the streaming media data retrieved by the protocol independent caching subsystem from the storage facility to a client system over a network according to the first streaming media protocol. (Emphasis added.)

Applicants argued in their response filed on 2/21/2007 that Pinckney does not disclose or suggest such an apparatus, and in particular, one in which streaming media data received from a remote server is stored in a form that is *specific* to a *particular* streaming media protocol (e.g., the " first streaming media protocol" in claim 64) by a protocol independent caching subsystem. Applicants further argued that Pinckney discloses that streaming media content is *translated* by a protocol translator 36 and then stored *in a protocol-independent (canonical) form* (para. [0032]). The content is then translated back into a protocol-specific form by a protocol translator 38 before the content is sent to a client. This is contrary to the present invention, in which the streaming media is stored *in a form that is specific to a particular streaming media protocol*. A significant advantage of the present invention is that it avoids the need for any protocol translation of the sort disclosed in Pinckney (i.e., into canonical form), which tends to be CPU intensive.

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In the Final Office Action the Examiner disagrees, giving the following

rationale (Final Office Action, p. 9):

> Pinckney teaches, on pages 2-3, paragraph 0031 that content is
> stored and subsequently transmitted to a client. The content may be in
> an incompatible protocol as required by the client and therefore
> protocol conversion or translation would be deemed necessary.
> **However, if protocol translation or conversion is not required, for
> example a situation in which the protocol is deemed compatible
> with the client, then protocol conversion or translation is not
> required and it would make no sense to perform unnecessary
> protocol conversion or translation. It is best understood that the
> steps of protocol translation as discussed in paragraph 0032 on page
> 3 of Pinckney would only be performed if protocol translation
> would be deemed necessary.** Therefore, Pinckney teaches the storage
> of streaming media data wherein the streaming media data is stored in
> a form that is specific to a particular streaming media protocol.
> (Emphasis added.)

In the Advisory Action mailed on 7/12/2007, the Examiner essentially just

repeats the previous rationale for the rejection, without rebutting the arguments that

Applicants presented in their after-final response (filed on 7/2/2007). Applicants

therefore respectfully maintain those arguments.

First, Applicants respectfully submit that the Examiner has made an incorrect

assumption about the system/technique in Pinckney. Specifically, it *does* indeed

make sense for the system of Pinckney to store the streaming media data in the

canonical (protocol-independent) format *regardless* of whether the protocol of the

data is compatible with the requesting client, because one of the stated objectives of

Pinckney is to be able to *efficiently* stream the same data to *different clients using various*

different streaming protocols. See, for example, Pinckney at para. [0069] starting with

the last sentence on page 7, second sentence in para. [0068], and first sentence of para. [0006]. If the system of Pinckney were *not* to translate a given set of data into the canonical format for storage, that would *reduce the efficiency* with which the system could stream that set of data to other clients that use *other (i.e., incompatible) formats*. Hence, even when the protocol is compatible with a particular client, protocol translation is *not* "unnecessary" in the system of Pinckney, as the Examiner contends. As such, the Examiner' s assumption in deeming Applicants' above-stated arguments unpersuasive is incorrect.

With the above in mind, consider also that Fig. 3 of Pinckney does *not* show any data path that would suggest either protocol translator 36 or protocol translator 38 being *bypassed* at any time (e.g., when the protocol is compatible with the requesting client), nor is there any hint found in the text that those elements are used *only sometimes*. Since the scenario mentioned by the Examiner (i.e., where the protocol is compatible with a particular requesting client) may be assumed to be fairly commonplace, one must assume that Pinckney thought of it and, therefore, would have shown such a bypass data path and/or at least mentioned that protocol translation is sometimes unnecessary, *if* in fact that had been the approach that Pinckney intended.

To the contrary, however, Applicants respectfully submit that Pinckney at least *clearly implies*, if not explicitly discloses, that streaming media content is *always* translated into the protocol-*independent* (canonical) form before being cached in the SDA (para. [0032]), and that such an approach makes logical sense in the context of

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that system for the reason stated above. As explained above, that approach is clearly

contrary to that of the present invention as claimed.

For at least the above reasons, therefore, Applicants respectfully maintain that

the rejection is improper and request that it should be withdrawn.

NEW CLAIMS

New claim 77 recites:

77. (New) A streaming media network cache comprising:
   a storage facility to cache a media stream received by the streaming
media network cache from a remote server in a form that is specific to a first
streaming media protocol;
   a protocol independent caching subsystem to store the media stream
in the storage facility **as a first plurality of discrete objects, each of said
objects containing a separate portion of the media stream as a plurality of
media packets formatted for the first streaming media protocol**, the protocol
independent caching subsystem further to retrieve the media stream from the
storage facility in response to a request; and
   a protocol dependent caching subsystem to output the media stream
retrieved by the protocol independent caching subsystem from the storage
facility to a client system over a network in a streaming mode according to the
first streaming media protocol, wherein the protocol independent caching
subsystem retrieves the media stream from the storage facility
asynchronously with respect to outputting of the media stream to the client
by the protocol dependent caching subsystem. (Emphasis added.)

New claim 77 includes limitations similar to those in claim 64 discussed above and is

therefore patentable over the cited art for at least the reasons discussed above.

In addition, claim 77 also recites at least one other feature that is not found to be

disclosed or suggested in Pinckney, namely, that the protocol independent caching

subsystem is to store the media stream in the storage facility *as a first plurality of discrete*

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objects, each of said objects containing a separate portion of the media stream as a plurality of media packets formatted for the first streaming media protocol. Note that this feature also is essentially recited in new dependent claims 74-76. Therefore, claims 74-78 are thought to be further patentable over the cited art for this additional reason.

DEPENDENT CLAIMS

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicants' silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.
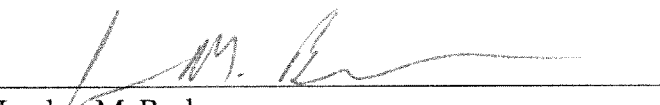
CONCLUSION

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,
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Dated: August 9, 2007

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